

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HAROLD L. MORRIS JR.,

Plaintiff,

v.

No. 10-cv-0050 LH/SMV

SOUTHWEST COUNSELING CENTER, INC., et al

Defendants.

ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND THE CASE

THIS MATTER is before the Court on Plaintiff's letter to the Court Clerk requesting to amend the case [Doc. 60], filed on October 10, 2012, which the Court will treat as a motion to file an amended complaint. The Court has considered the motion, Defendants' responses to the motion [Docs. 63, 64, 65], and the relevant law. Plaintiff failed to file a reply in support of the motion within the time prescribed for doing so, which constitutes consent that briefing on the motion is complete pursuant to D.N.M.LR-Civ. 7.1(b). For the reasons set forth below, the Court **FINDS** that the motion is not well-taken and should be **DENIED**.

Plaintiff is proceeding pro se and *in forma pauperis*. In his Motion, Plaintiff asks for leave to "amend the . . . case." [Doc. 60] at 1. It appears that Plaintiff wishes to file an amended complaint, adding new claims. However, Plaintiff did not attach a copy of his proposed amended complaint to the Motion.

Defendants have all served responsive pleadings to the complaint. Therefore, pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff may amend his complaint only with Defendants' prior written consent or the Court's permission. Defendants have not consented to an amended complaint, and the Court cannot determine whether Plaintiff should be granted leave to amend his complaint because the nature of his proposed amendments is unclear. In this regard, Plaintiff's motion fails to comply with the Court's local rule D.N.M.LR-Civ. 15.1, which requires that "[a] proposed amendment to a pleading must accompany the motion to amend." Because the Court cannot ascertain what amendments Plaintiff proposes to make in an amended complaint, and because his motion fails to comply with D.N.M.LR-Civ. 15.1, the Court will deny the motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's motion to file an amended complaint [Doc. 60] is hereby **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge